REMARKS

Claims 21 and 23-52 are pending on this application. Claim 22 was cancelled in a previous response. In the final Office Action, the Office has rejected the claims of this application as follows: claims 21, 23-31, 33-38 and 40-48 are rejected under 35 U.S.C. § 102(b) as being unpatentable over "Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2" ("MQSeries"); claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of Richards *et al.* ("Richards"); and claims 39 and 49-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of Yanai *et al.* ("Yanai").

Rejection of Claims 21, 23-21, 33-38 and 40-48 in View of MQSeries Under 35 U.S.C. § 102(b)

Claims 21, 23-31, 33-38, and 40-48 are rejected under 35 U.S.C. § 102(b) as being unpatentable over "Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2" ("MQSeries"). This rejection is respectfully traversed.

In order to maintain an anticipatory rejection under 35 U.S.C. § 102, a reference must teach every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.). MQSeries does not qualify as an anticipatory reference with respect to the independent claims.

Independent claims 21 and 42 state:

21. A global communications network for use by a financial institution, comprising:

a plurality of distribution points for allowing an end user to send an electronic message or request;

an integration facility for controlling and routing the electronic message or request, wherein the integration facility comprises at least one first logical router for determining whether the electronic message or request is simple or complex; and

at least one service provider for processing the electronic message or request.

42. A method for processing and routing an electronic message or request across a global communications network, the method comprising of:

receiving an electronic message or request from a distribution point;

determining whether the electronic message or request is simple or complex; and

routing a simple electronic message or request to at least one service provider, or processing a complex message or request and routing the processed complex message or request to at least one service provider.

In the Response to Arguments of the Office Action, the Examiner recites language from paragraph [0053] of the specification as support for the definition of simple and complex messages. See Office Action, page 2. Paragraph [0053] recites:

> The messaging service infrastructure includes a two-tier routing structure. Primary routing occurs within the delivery system interface to expedite simple transactions that can be sent directly to the core application or other servicing system. Message standardization coding is not usually required for these transactions. Complex transactions are intended to be sent through the system, whether or not they require a database lookup or not. The system workflow manager determines the appropriate system application, depending on the message, and those applications create the necessary additional messages required for communication with multiple core applications or servicing systems to complete the transaction request. Message responses are then processed by the appropriate system application and the aggregated response is returned to the delivery system via the interface.

The Examiner fails, however, to refer to the specification's discussion of "determining whether the electronic message or request is simple or complex," as recited in claims 21 and

42. (emphasis added). The undersigned representative directs the Examiner to the "determining" step, rather than the routing function. Claims 21 and 42 both recite the step of determining whether the message is simple or complex. Exemplary support is found in the specification for this limitation. "The messaging services contain application logic that supervise the transactions requested based upon script, workflow, and data model rules. ... Logical router 23 then determines whether the message is simple or complex (i.e., requiring supervision)." Paras. [0100] – [0101].

MQSeries does not disclose a logical router that determines whether the message requires supervision. The Examiner, referring to Fig. 12 on page 34, states that "MVB4 can determine whether to send message directly, or, route the message to MVB5." However, this interpretation of MQSeries does not disclose the step of determining whether the message is simple or complex. In fact, the routing determination in MQSeries occurs before MVB4. MQSeries schedules processes MVB4 and MVB5 only when the loan amount is higher than $10,000. See MQSeries, pages 33 and 36. The scheduling of MVB4 and MVB5 when the loan amount is higher than $10,000 does not disclose a determination of whether a message requires supervision. Therefore, the Examiner's reliance on MVB4 as a logical router making a determination as to whether the message is simple or complex is improper. Although MQSeries may provide routing functions, it does not disclose the "determining" step of claims 21 and 42.

Further, MQSeries does not anticipate claims 21 and 42. For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. MPEP § 706.02. Any feature not directly taught must be inherently present.

MPEP § 706.02. However, MQSeries does not disclose, directly or inherently, each and every limitation of the present application.

Regarding independent claim 21, MQSeries does not disclose that "the integration facility comprises at least one first logical router for determining whether the electronic message or request is simple or complex." On page 3 of the final Office Action, the Examiner states that "MVB4 teaches to determine whether the message is simple or complex." The Examiner further directs the undersigned representative to page 31 of MQSeries for a disclosure of "the integration facility comprises at least one first logical router for determining whether the electronic message or request is simple or complex," as recited in claim 21. However, page 31 of MQSeries consists primarily of Figure 11, which illustrates the hardware and software environment tested during the course of the IBM experimental process. Figure 11 is reproduced below.

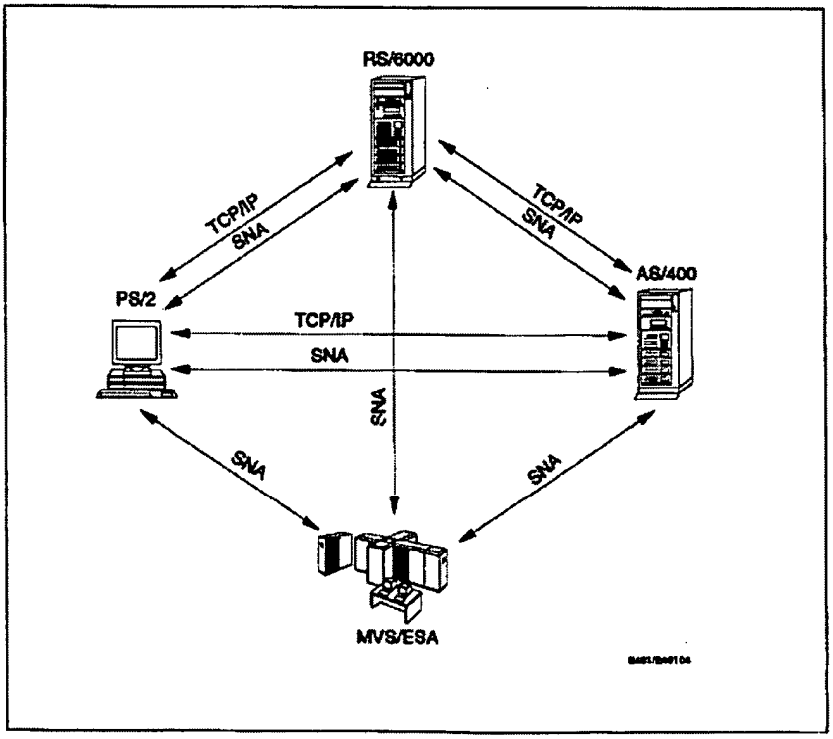

Figure 11. Hardware and Software Environment for Our Project

Figure 11 displays what appears to be an end user access point, several servers, as well as the communication protocols linking the devices. In contrast, claim 21 of the present application provides for a "logical router" with the unique capability of "determining whether the electronic message or request is simple or complex" and then routing the message accordingly. Figure 11 does not disclose a logical router capable of performing such a function nor is it an inherent characteristic of the TCP/IP communication protocol to do so. The MQSeries does not disclose how the PS/2, MVS/ESA, AS/400, or the RS/6000 could perform the function of "determining whether the electronic message or request is simple or complex." Figure 11 does not distinguish between the types of messages being transmitted nor is that functionality disclosed elsewhere in the reference. Therefore, MQSeries does not disclose each and every element of claim 21 of the present application.

MQSeries does not disclose each and every element of claim 42. Similar to claim 21, the existence of a logical router for "determining whether the electronic message or request is simple or complex" is not disclosed in MQSeries. The Examiner cites page 34 of the MQSeries for disclosing this limitation. Page 34 consists of Figure 12, which is reproduced below.

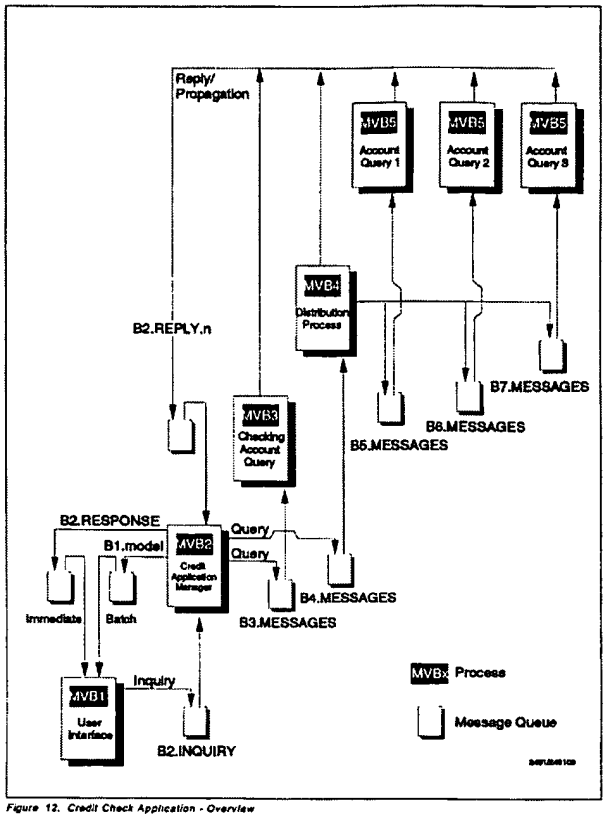

Figure 12. Credit Check Application - Overview

Block "MVB1" is cited by the examiner as a "simple" electronic message or request, whereas block "MVB4" is cited as a "complex" electronic message or request. However, neither MVB1 nor MVB4 disclose the determination of whether a request is "simple" or "complex." As stated on page 35 of MQSeries, MVB1 functions as follows:

- Handles the screen interface to obtain the account information form the user.
- Generates the initial message that triggers the actual Credit Check application procedures.
- Retrieves the reply from the application and displays results on the screen.

None of the MVB1 functions disclose "determining whether the electronic message or request is simple or complex." As stated on page 36 of MQSeries, MVB4 functions as follows:

- Reads the message created by CSQ4CVB2 and retrieves a list of queues from the namelist.

- Writes triggering messages to each queue named in the namelist to kick off the MVB5 transaction.
- Writes a reply message to reply-to queue.

None of the MVB4 functions disclose "determining whether the electronic message or request is simple or complex." The Examiner argues that MVB4 meets the limitation of "determining whether the electronic message or request is simple or complex" because "MVB4 can determine whether to send message directly, or, route the message to MVB5 [page 34]." See "Response to Arguments" Final Office Action, Page 2. However, the "distribution process function" of MVB4 "writes triggering messages to each queue named in the namelist to kick off the MVB5 transaction." See MQSeries, page 36. MQSeries does not disclose distributing messages based on whether the message is simple or complex. MQSeries does not mention any determination based on such criteria. The undersigned representative fails to see how the function of MVB4 meets the limitation of "determining whether the electronic message or request is simple or complex." The mere process of routing a message to one location or another does not require making a determination as to the simplicity or complexity of the message. Accordingly, this statement by the Examiner does not support the requisite teaching. Thus, neither MVB1 nor MVB4 function to make a determination of whether a message is simple or complex as do the logical routers in the current application. At best, the cited blocks read or write a message and forward it to the appropriate queue. Therefore, MQSeries does not disclose each and every limitation of claim 42 of the present application.

For at least the reasons stated above, MQSeries does not anticipate independent claims 21 or 42 of the present application. Therefore, the undersigned respectfully submits

that independent claims 21 and 42 are allowable over the cited art. Further, dependent claims 23-31, 33-38 and 40-48 are also allowable as they contain the limitations of the claims on which they depend. Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejections of claims 21, 23-31, 33-38, and 40-48.

Rejection of Claim 32 in View of MQSeries and Richards Under 35 U.S.C. § 103(a)

Claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of Richards. This rejection is respectfully traversed. Claim 32 is dependent upon claim 21 which is submitted to be allowable in view of MQSeries for the reasons set forth above. Accordingly, claim 32 should be allowable under MQSeries for these reasons as well. Further arguments are reserved with respect to dependent claim 32. Because Richards does not teach or suggest the deficiencies of MQSeries, claim 32 is not obvious in view of the cited references and should therefore be allowed. Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejection of claim 32.

Rejection of Claims 39 and 49-52 in View of MQSeries and Yanai Under 35 U.S.C. § 103(a)

Claims 39 and 49-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of Yanai. This rejection is respectfully traversed.

Claim 39 is dependent upon claim 21 which is submitted to be allowable in view of MQSeries for the reasons set forth above. Accordingly, claim 39 should be allowable under MQSeries for these reasons as well. Further arguments are reserved with respect to

dependent claim 39. Because Yanai does not teach or suggest the deficiencies of MQSeries, claim 39 is not obvious in view of the cited references and should therefore be allowed.

Independent claim 49 states:

> 49. A communications network, comprising:
> an integration facility for processing electronic messages or requests, wherein the integration facility comprises at least one first logical router for determining whether the electronic message or request is simple or complex;
> at least one distribution point in communication with the integration facility;
> at least one financial transaction related service in communication with the integration facility;
> at least one service provider in communication with the integration facility.

The Examiner has not established a *prima facie* case of obviousness of independent claim 49 under MQSeries in view of Yanai. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Neither MQSeries nor Yanai, alone or in combination, teach or suggest all the limitations of claim 49 of the present application.

Neither MQSeries nor Yanai teach or suggest "at least one first logical router for determining whether the electronic message or request is simple or complex." Again, the Examiner points to MVB1 and MVB4 on page 34 of the MQSeries reference as disclosing

the limitation. As fully discussed above with respect to claims 21 and 42, MVB1 and MVB4 do not perform the same function of the logical router recited in claim 49 of the present invention. Thus, MQSeries does not teach or suggest the "at least one first logical router" of claim 49. Yanai does not cure the deficiencies of MQSeries. The Examiner relies on Yanai only for "data mirroring." Therefore, MQSeries and Yanai, neither alone nor in combination, teach or suggest the elements of claim 49 of the present application.

Further, dependent claims 50-53 are also allowable as they contain the limitations of claim 49 on which they depend. Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejections of claims 39 and 49-52.

CONCLUSION

The foregoing is submitted as a full and complete Response to the final Office Action mailed October 29, 2004. The undersigned representative believes that claims 21 and 23-52 are allowable and respectfully requests a notice of allowance to this effect. Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account No. 501458.

Respectfully submitted,

Date: 2/24/05

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